

EPA-Issued EIAPP Certificates: Frequently Asked Questions

The U.S. EPA issues Engine International Air Pollution Prevention (EIAPP) certificates under 40 CFR part 1043 to cover new marine compression-ignition engines intended for U.S. vessels that also sail in waters under the jurisdiction of other countries. EPA has heard many questions from marine engine manufacturers related to covered engines, expiration dates, and events that trigger the need for a revised EIAPP certificate. This information sheet provides clarification on those issues.

Validity of EPA-Issued EIAPP Certificates for Individual Engines

- Q1. When I, an engine manufacturer, provide a copy of an EPA-issued EIAPP certificate to a vessel owner with a new engine, how can the owner demonstrate to a foreign port inspector that the certificate is authentic and valid?
- Inspectors can presume that an EPA-issued EIAPP certificate for an engine family is valid for an engine if that engine was built after the Effective Date of the certificate, if the engine is a member of the engine family described on the certificate, and if the certificate has both EPA's symbol and an electronic signature of the EPA's approving official. It is OK if the document is a photocopy, as EPA's original certificates are electronic only. For reference, EPA publishes its list of certificates at www.epa.gov/compliance-and-fuel-economy-data/annual-certification-data-vehicles-engines-and-equipment.
 - It is possible that an engine built before the effective date of the EIAPP certificate might be covered by that certificate. See 40 CFR 1043.30(c)(2) and Question 2.
 - Where an EIAPP certificate covers a particular engine, the copy of that EIAPP certificate you provide with sale of an engine is valid for the life of that engine. This means that individual EIAPP certificate does not expire, though it is subject to revision if the engine is modified. See MARPOL Annex VI Regulation 5 and the NO_x Technical Code Section 1.3.2.1. See also Question 3.

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- For engines on U.S.-flagged vessels, you must also affix a permanent label describing the status of Clean Air Act (CAA) compliance. Some of the information displayed on these labels can assist inspectors in determining if the EIAPP certificate covers the installed engine.

Q2. Could there be a compliance problem if I produced an engine outside the effective dates displayed on the EIAPP certificate, and it was installed on a U.S.-flagged vessel?

- Before the Effective Date:
 - If you produced an engine before the Effective Date printed on the EIAPP certificate, more information is needed about the sale and delivery of the engine, as well as information about the vessel in which it is installed, to determine if it meets the requirements of Annex VI as well as EPA regulations (see, e.g., 40 CFR 1043.30(c)(2)). Please contact your certification representative in this case.
 - If that engine is not exempt from the CAA, more information may be needed to determine if it is also properly covered by a Certificate of Conformity (CoC). See 40 CFR 1068.101(a)(1) and 40 CFR 1068.103(c). Please contact your certification representative in this case.
- After the Expiration Date:
 - EPA's electronic system generates all certificates with a placeholder for an Expiration Date, which usually prints "N/A" on EIAPP certificates. If an EPA-issued EIAPP certificate has an Expiration Date other than "N/A", a valid certificate provided with the sale of an engine before that expiration date covers that engine for the life of the engine, though it is subject to revision (See Question 3). If you produced a new engine after the Expiration Date printed on the certificate, you should review the applicable emission standards to evaluate in which vessels that engine may be installed. The display of an Expiration Date other than "N/A" may not legally invalidate an EIAPP certificate. However, EPA requires a new CoC for each model year of new production so if you produced the engine while the EIAPP certificate was valid but the CoC had expired, the overall regulatory status of the engine may be in question. See Question 4 for more details about when an EIAPP certificate becomes invalid. In addition, transitions to a new standard can be particularly complex with EPA's domestic program being engine-based and Annex VI being vessel-based. Please contact your certification representative to resolve questions about expiration dates.

Q3. If the vessel owner wishes to modify an individual engine, would that require me to request a revised certificate from EPA and distribute updated documents to the vessel owner?

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- If you or the vessel owner intend to modify an individual engine, the involved parties should first check to see if the project would increase NO_x emissions or change the applicable emission standard under Annex VI. If either of those may occur, then it is possible that you may need to submit new test data and/or request a revised EIAPP certificate.
- You may send EPA an amended application requesting that EPA include new or modified engine configurations within the scope of a previously issued EIAPP certificate. In general, EPA follows the procedures at 40 CFR 1042.225 for approving amendments to applications for CoC as well as amendments to applications for EIAPP certificates. See 40 CFR 1043.41(g). Generally, EPA approves these amendments in two ways, either by issuing a revised certificate (which also updates the records) or by updating the records without issuing a revised certificate. These two paths are discussed further below.
- If you or the vessel owner intend to modify an individual engine in a way that will change the underlying data that supported issuance of the EIAPP certificate, but these modifications will not affect any information displayed on the face of the certificate, you must submit a request to EPA to update the records. In our EV-CIS database, this is called an update to the Certificate Summary Information and may be requested by using the process code “Request for CSI Update.” If the affected engine family has no data in EV-CIS, contact your certification representative.¹ Amendments of this type may include part number changes or similar changes that do not affect the duty cycle, emission rates, or NO_x Technical File ID number. In this case, EPA would not issue a revised EIAPP certificate. If you revise portions of the NO_x Technical File as part of this modification (but do not change the document ID), you should submit the complete updated file to EPA. EPA prefers that you link all supporting documents including those that are unchanged as well as those that are revised, when you submit your request for an update to the Certificate Summary Information. You may decide how best to distribute updates to the affected vessel owner.
- If you or the vessel owner intend to modify an individual engine in a way that would be inconsistent with information displayed on the face of the EIAPP certificate, you must submit a request to EPA for a revised certificate before you make the change if it is described at 40 CFR 1042.225(a). Modifications requiring a revised EIAPP certificate might include, among other things, changes to the duty cycle, emission rates, and NO_x Technical File ID number. In this case, EPA would review the information and issue a revised EIAPP certificate if the submission satisfies applicable requirements. You should distribute the revised EIAPP certificate to the affected vessel owner to ensure the condition of the equipment corresponds with the particulars of the certificate.² If you need to modify the NO_x Technical File so that it corresponds to the engine as modified, you should submit the complete updated file to EPA and link it to your request for certificate.
- If the engine family is jointly certified to CAA standards as well, EPA will also issue a revised CoC taking into account changes to the underlying data. You must keep records of your revised CoC according to 40 CFR 1042.250.

¹ See Guidance on Requesting Updates to Marine CI Certificates Issued in EPA’s Legacy System under 40 CFR 1042 and 1043, CD-17-08 (June 5, 2017), available at https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=39208&flag=1

² See Annex VI Regulation 5.3.3 regarding surveys of ships.

Validity of EPA-Issued EIAPP Certificates for Engine Families

Q4. How long may I continue producing new engines under an EPA- issued EIAPP certificate without requesting a revision?

- Although MARPOL Annex VI does not have a concept of model year as in EPA's domestic rules, EPA's family-level EIAPP certificates are not intended to be permanent approval to produce new member engines in a certified family.³ The regulations at 40 CFR 1043.41(a) specify that EIAPP certificates issued for serial production of new engines within an engine family become invalid for further production when a more stringent standard becomes applicable, or when the engine design changes.⁴
- See Questions 5 through 10 below for more information about scenarios where new standards or design changes may trigger a need for you to initiate certification activity with EPA.
- As stated in Question 2, most of EPA's EIAPP certificates are generated with an expiration date of "N/A." Where one is present, it may or may not have a valid purpose with respect to the range of dates when new engines may be produced under that family-level certificate. If you produced an engine after the expiration date displayed on an EIAPP certificate and you believe the engine is eligible to be covered by that certificate (See Question 2 above), you may request that EPA issue a revised certificate to remove the expiration date.

Q5. If I am changing the design of an engine family and I need to request a running change so my certificate will be consistent with the new design, what must I submit to EPA and what documents must I distribute?

- In general, EPA follows the procedures at 40 CFR 1042.225 for approving amendments to applications for CoC when changes are initiated by manufacturers for new engines during a model year or for servicing in-use engines. Further, 40 CFR 1043.41(g) states that amendments of applications for EIAPP certificates will also follow the procedures at 40 CFR 1042.225.
- If the running change affects the underlying data supporting EIAPP certificate issuance without changing any information displayed on the face of the certificate, you must submit a request to EPA for an update to the Certificate Summary Information. This may include part number changes or similar changes that do not affect the configurations, duty cycles, emission rates, or NO_x Technical File ID number. In this case, EPA would not issue a revised EIAPP certificate. If portions of the NO_x technical file are revised as part of this modification, you must submit the complete updated file to EPA. You may decide how best to distribute technical file updates to vessel owners.

³ See Annex VI NO_x Technical Code Chapter 4, Sections 4.1 to 4.3.

⁴ See 40 CFR 1043.41(a): "An EIAPP certificate is valid starting with the indicated effective date and is valid for any production until such time as the design of the engine family changes or more stringent emission standards become applicable, whichever comes first."

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- If the running change affects information displayed on the face of the EIAPP certificate, you must submit a request to EPA for a revised certificate. This may include changes in the configurations, duty cycles, emission rates, and NO_x Technical File ID number. In this case, EPA would issue a revised EIAPP certificate. You must distribute the revised EIAPP certificate to vessel owners. If the NO_x technical file is revised as part of this running change, you must submit the complete updated file to EPA, and distribute it with the revised EIAPP certificate.
- If the engine family is jointly certified to CAA standards, EPA will also issue a revised CoC. You must keep records of your revised CoC according to 40 CFR 1042.250.
- If your running change only affects some engines within your certified engine family, you do not need to distribute new documents to owners of unaffected engines.

Q6. If I am not changing the design of an engine family covered by an EPA-issued EIAPP certificate, but I request and receive a renewed CoC to authorize continued U.S.-directed production under the CAA for a new model year, how does this affect my valid (non-expiring) EIAPP certificate and my NO_x Technical File?

- Issuance of a new EIAPP certificate would not cause the previous EIAPP certificate to become invalid. Your EPA-issued EIAPP certificate remains as valid after renewing your CoC as it was before renewing the CoC.
- Even so, if you request a renewal of a CoC for an engine family that was jointly certified to both domestic and international standards, EPA will issue a new EIAPP certificate along with the renewed CoC. One of the certification steps is attesting whether your engine family is subject to one set of standards or both. At renewal of the CoC, you will attest whether a jointly certified family continues to be subject to both sets of standards, and that the information continues to be accurate. You will also need to upload and link a NO_x Technical File to the request for certificate. You may link to the previously-uploaded technical file unless your renewal includes new data or changes to offered configurations that warrant a revision. In that case you may link to a revised NO_x Technical file, to enable the particulars of the referenced NO_x Technical file to correspond with the condition of newly produced engines. EPA recommends you distribute the newly-issued EIAPP certificate with new engines produced in the model year of the renewed CoC, as well as the version of the NO_x Technical File that was linked to the request for renewal of your CoC.

Q7. When should I request a revised EIAPP certificate for engines subject to more stringent CAA Standards?

- Your EPA-issued Tier II EIAPP certificate may become invalid for new serial engine production if your engine design is changed, for example, to meet a new CAA standard that becomes applicable during the years of production of your engine family certified to the MARPOL Annex VI standards.⁴ In this case, you must submit a request to EPA to update the data supporting the EIAPP certificate, including the NO_x Technical File. The Tier II standards of MARPOL Annex VI came into force for engines installed on vessels built on or after January 1, 2011, while EPA's domestic Tier 3 and Tier 4 engine

standards continued phasing in through model year 2018, depending on the engine's regulatory category. It is not sufficient for you to obtain only the CoC and ignore the impact on the Tier II EIAPP certificate. Recall in Q3 above, the condition of the equipment should correspond with the particulars of the certificate. Depending on the nature of the change, it may be possible for you to update the underlying data without revising the Tier II EIAPP certificate, or you may need to request a revised EIAPP certificate. In other cases, a new EIAPP certificate may be needed. Whichever process is used, it is important that you provide enough information for EPA to have accurate records of which engines are covered by both types of certificates (engine configurations listed in both CAA and MARPOL Annex VI engine families).

- Example: If you change a Tier II engine design to enable your newly produced engines to meet the Tier 3 CAA standards, you must submit updated information to EPA so that the EIAPP certificate, NOx Technical File, and the supporting dataset reflect the current design.
- Many years ago, EPA's Compliance Division required you to submit separate requests for CoC and EIAPP certificates. Because these certificates had different ID numbers and engine family names, and rarely cross-referenced each other, it is very difficult for EPA to determine which currently-certified domestic engine families (often declared as CoC-only) continue to rely on old EIAPP certificates for use when sailing internationally. If you're not sure what EPA expects in terms of alignment of your CAA and MARPOL Annex VI engine families, please contact your designated certification representative.

Q8. What action must I take if my Tier II EIAPP certificate was issued prior to EPA's deployment of EV-CIS?

- If you continue to produce new engines in a family under a Tier II EIAPP certificate issued from EPA's legacy system and you have a current CoC for those engines, at the time of your next renewal you should declare that this engine family is subject to both sets of standards, and submit a joint dataset that includes all covered configurations from the CAA and MARPOL Annex VI engine families, with updated supporting documents.
- If you are no longer producing new engines in a family under an EIAPP certificate issued from EPA's legacy system, but you need to make some changes related to a field fix, please contact your certification representative to see if you may update your separately-certified engine families without needing to submit a new joint dataset.¹

Q9. Should I request a revised Tier II EIAPP certificate if I modify my engine design to meet MARPOL Annex VI Tier III Standards?

- Even though the MARPOL Annex VI Tier III standards (which apply regionally) do not replace the MARPOL Annex VI Tier II standards (which apply globally), there may be an impact on a Tier II certificate because of the Tier III standards. If you modify your Tier II engine design to enable regional compliance with the Tier III standards while maintaining Tier II compliance globally, the vessel owner will need to carry both Tier II and Tier III EIAPP certificates on board. To track related Tier II and Tier III certificates

administratively, EPA will print text on affected EIAPP certificates cross-referencing the ID of the other certificate. Further, if you produce a single NO_x Technical File to describe both Tier II and Tier III operation, the name of the file referenced on the Tier II EIAPP certificate may need to be updated.

- The CAA standards apply for engines intended to be installed on U.S. vessels, so such engines must be certified to CAA Tier 3 or Tier 4 (as applicable), except as allowed under an approved AECD.⁵ This means that even though engines on a post-2016 U.S. vessel need not maintain Annex VI Tier III NO_x emission controls when operated outside designated ECAs, the engines must also be certified to meet CAA standards, which in some cases are more stringent than the Annex VI Tier II NO_x standard.

Q10. May I continue to sell engines under my Tier II EIAPP certificate without revision, if I only sell them into applications that qualify for an exemption from Tier III?

- You may sell an engine covered by a Tier II EIAPP certificate for installation in a vessel if the regulations of MARPOL Annex VI allow avoidance of the Tier III standards. See MARPOL Annex VI Regulation 13.5.2 for vessels built after 1 January 2016 and see MARPOL Annex VI Regulation 13.2.2 for older vessels. You and your distributors must adhere to these limitations, even if the EIAPP certificate lists no such limitations. As a practical way to implement the vessel-based provisions of MARPOL Annex VI in EPA's engine-based certification program, EPA will issue you a limited-application Tier II EIAPP certificate for new engines you wish to sell for installation in eligible vessels. If you continue to produce new engines under an EPA-issued Tier II EIAPP certificate, EPA recommends that you submit a request for a revision to this certificate to specify the limited applications for which it is valid, to make it easy for inspectors and others who review certificates to determine if a Tier II engine is lawfully installed in a vessel, consistent with MARPOL Annex VI Regulation 13.2.2 or MARPOL Annex VI Regulation 13.5.2).⁶

Engines Produced for Foreign Vessels

Q11. What is required for exporting U.S.-produced engines into foreign markets?

- All engines regulated by EPA and produced in the U.S. must either be covered by a CoC or qualify for an exemption under the CAA standards.
- When you produce engines in the U.S. for export only (for use on foreign-flagged vessels), if you plan to exempt them under 40 CFR 1068.230(b), you must label them according to 40 CFR 1068.230(c).

⁵ EPA may certify some engines with on/off NO_x controls if you demonstrate to EPA that the systems are not defeat devices, consistent with 40 CFR 1042.115(g).

⁶ See EPA certification guidance explaining new features implementing MARPOL Annex VI Regulation 13.5.2, "Marine CI Verify Module Revisions Explained," available at www.epa.gov/vehicle-and-engine-certification/system-documentation-marine-compression-ignition-ci-engines.

- Engines within EPA-certified families must generally be subject to the same emission standards, except as allowed under 40 CFR 1042.230(g). Do not submit a request to EPA to certify an engine family where one or more of the configurations within that family is claimed to be exempt as an export-only configuration.
- If you certify some engines with EPA that are installed on foreign-flagged vessels, this is allowable, except that your EPA-issued EIAPP certificate is not valid for those engines. See Question 12.

Q12. Does my EPA-issued EIAPP certificate cover engines installed on foreign-flagged vessels?

- The text on each of EPA's EIAPP certificates states that the certificate is valid for engines "installed in ships under the authority of this Government." EPA has express authority under the Act to Prevent Pollution from Ships only to issue EIAPP certificates for engines on U.S.-flagged vessels. The United States is not the certifying authority for engines intended for use on vessels flagged by other countries, so EPA-issued EIAPP certificates do not cover engines installed on foreign-flagged vessels. The Administration of another country may choose to recognize the information on EPA-issued EIAPP certificates as useful for MARPOL Annex VI compliance for engines on ships operating under its flag.

Q13. Could there be a compliance problem if my EPA-issued EIAPP certificate includes an engine configuration that is not covered by a CoC?

- All regulated engines on U.S. vessels sailing internationally must be covered by both a CoC and an EIAPP certificate, unless a valid exemption applies.
- If the engine configuration is not covered by a CoC because all the engines are exempt from the CAA, there is no compliance problem, provided all the engines have proper labels as required by EPA's domestic regulations.
- If the engine configuration is not covered by a CoC because there is a mis-match in the records for the CAA and MARPOL Annex VI engine families, you should contact your certification representative to determine next steps.
- If the engine configuration is not covered by a CoC because you don't sell any of them for U.S.-flagged vessels, you should remove the configuration from the dataset submitted to EPA for EIAPP certification, label them for export-only, and make sure you have EIAPP certificates issued by the other flag state(s).